



# University of Hawaii at Manoa

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## HB 252 RELATING TO THE TAKING OF CORAL

Statement for  
House Committee on Ocean and Marine Resources  
Public Hearing, 17 February 1983

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HB 252 proposes that two chapters of Hawaii Revised Statutes be amended in ways relating to the taking of coral. This statement does not reflect an institutional position of the University of Hawaii.

The first of the proposed amendments relates to HRS 205-33. This section now prohibits, with certain exceptions, takings of coral, sand, and other marine deposits, within a zone including the shoreline setback area and extending seaward to a distance of 1000 feet or a depth of 30 feet. The exceptions are: i) takings from public beaches for reasonable, personal, non-commercial use; and ii) takings of sand that have no pertinence to HB 252. The amendment proposed in HB 252 would add an additional exception allowing the taking of coral subject to regulations to be promulgated under HRS 188.

The second amendment relates to HRS 188 and proposes a new section, authorizing the Department of Land and Natural Resources to adopt rules relating to the taking of stony and precious corals in the waters of the State, but making no distinction between the zone in which the taking is now prohibited by HRS 205-33 and more seaward zones, and no distinction between takings for commercial and non-commercial purposes. It is questionable that takings of coral for commercial purposes should be permitted within the zone where they are now prohibited, at least on Oahu.

We are aware that the DLNR finds it difficult to prevent takings of coral. It would be advantageous to allow the DLNR to establish what takings of coral are reasonable

for non-commercial purposes. It might be appropriate to permit taking of corals for non-commercial purposes within the part of the zone where their taking is now prohibited, although it will be no easier for the DLNR to control coral takings for the combination of non-commercial and commercial purposes than the takings for non-commercial purposes alone. It might even perhaps be appropriate to allow commercial taking in certain areas. However, we consider that passage of the proposed amendment of HRS 205-33 would be unwise.

The proposed new section of HRS 188 proposed in HB 252 would authorize the DLNR through its rules to regulate the method of taking of stony and precious corals, and amount, and sizes taken; to establish a permit and harvest reporting system; and to revoke permits for violations of permit conditions. None of these proposed provisions are objectionable. However, we call attention to the fact that HRS 190-3 already appears to provide the DLNR with all of the authority which is proposed in the proposed amendment to HRS 188.